

REMARKS

Claims 27-52 are pending and under current examination. In the Final Office Action¹, the Examiner took the following actions:

- (a) rejected claims 27-52 under 35 U.S.C. § 112, second paragraph, as being indefinite;
- (b) rejected claims 27-35, 38-46, and 49-52 under 35 U.S.C. § 103(a) as being unpatentable over Kim et. al. (U.S. Patent No. 6,510,145 B1) ("Kim") in view of "Wojtowicz (U.S. Patent App. Pub. No. 20020091659)"² and in view of Wojtowicz et. al. (Canadian Patent No. 2 330 707) ("Wojtowicz"); and
- (c) rejected claims 36, 37, 47, and 48 under 35 U.S.C. § 103(a) as being unpatentable over Kim in view "Wojtowicz (U.S. Patent App. Pub. No. 20020091659),"³ and in view of Wojtowicz, and further in view of Official Notice.

Applicants respectfully traverse these rejections and request reconsideration of the application for the following reasons.

Rejection of Claims 27-52 under 35 U.S.C. § 112, ¶ 2

Applicants request reconsideration and withdrawal of the rejection of claims 27-52 under 35 U.S.C. § 112, second paragraph. The Examiner alleged that claims 27-52 are indefinite because "the phrase 'service logic' is vague and unclear and it is unknown what it encompasses." Final Office Action, p. 2. In response, Applicants point out that

1. The Final Office Action contains statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any statements in the Final Office Action.

2. The Examiner incorrectly cited to U.S. Patent App. Pub. No. 2002/0091659 "Wojtowicz." U.S. Patent App. Pub. No. 2002/0091659 instead corresponds to "Beaulieu et. al." ("Beaulieu"), which is listed on the form PTO-892 attached to the Final Office Action. Applicants' representative telephoned the Examiner to seek clarification as to whether he intended to apply Beaulieu et. al. in addition to Kim and Wojtowicz. In a telephone conference on August 26, 2008 the Examiner confirmed that Beaulieu is not applied in the rejections in the Final Office Action.

3. See Footnote 2.

non-limiting examples of the claim term "service logic" are present in Applicants' specification, at, for example, p. 6, ll. 20-35. This term is clearly defined in the specification, and Applicants' claim language therefore satisfies the requirements of § 112, 2nd paragraph. Accordingly, Applicants' respectfully request withdrawal of this rejection.

Rejection of Claims 27-35, 38-46, and 49-52 under 35 U.S.C. § 103(a)

Applicants request reconsideration and withdrawal of the rejection of claims 27-35, 38-46, and 49-52 under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Wojtowicz.

The Examiner has not properly resolved the *Graham* factual inquiries, the proper resolution of which is the requirement for establishing a framework for an objective obviousness analysis. See M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007). Specifically, the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention, at least because he has not interpreted the prior art and considered both the invention and the prior art as a whole. See M.P.E.P. § 2141(II)(B).

Particularly, the cited references, taken alone or in combination, fail to teach or suggest at least Applicants' claimed "corresponding service logic defining how the multimedia service contents are presented at the at least on terminal," (as recited in claim 27 and similarly in claims 40, 50, 51, and 52) and "presenting the received

multimedia service contents at the at least one terminal in a manner defined by the received service logic," (as recited in claim 27 and similarly in claims 40, 50, and 52).

In fact, the Examiner admitted that:

Kim does not explicitly teach further containing a corresponding service logic defining how the multimedia service contents are presented at the at least one terminal or presenting the received multimedia service contents at the at least one terminal in a manner defined by the received service logic. Final Office Action, p. 3.

The Examiner then alleged that Wojtowicz teaches the missing elements of Kim. See Final Office Action, pp. 3-4. Wojtowicz, however, does not teach or suggest at least Applicants' claimed generating, receiving, or converting at least one delivery packet containing in part, "corresponding service logic defining how the multimedia service contents are presented at the at least on terminal" (as recited in claim 27 and similarly in claims 40, 50, 51 and 52), and "presenting the received multimedia service contents at the at least one terminal in a manner defined by the received service logic" (as recited in claim 27 and similarly in claims 40, 50 and 52). Instead, Wojtowicz teaches a server comprising "compositors [to] integrate all of the graphics and text in a manner to be displayed on a particular client device." Wojtowicz, p. 8, ll. 13-14. Wojtowicz further discloses that "layout managers 46 determine where the GUI components will be placed in relation to one another when displayed on the client devices 12." Wojtowicz, p. 8, ll. 19-21. In particular, Wojtowicz's "compositors" and "layout managers" (See Wojtowicz, p. 8, ll. 10-24) do not constitute the claimed "service logic" as described, for example, on p. 6, ll. 20-35 of Applicants' specification. As explained in Applicant's specification, for example, on p. 6, ll. 20-22, "service logic refers in general to the sequence of

processes/functions used to provide a specific service.” Therefore, there is a sequential or temporal ordering to service logic. Such a sequential ordering is not taught in Wojtowicz.

In addition, Kim teaches “transmission/reception of packet data,” and “providing packet data service such that voice and data service channels are processed independently” Kim, col. 5, line 33, and col. 3, lines 43-45. Kim explains that “[m]ost data services are performed in the form of packet data and data is availability instantaneous rather than always being present.” Kim, col. 1, lines 32-34. That is, Kim discloses transmitting generic packets, and does not specifically disclose a “delivery packet containing the multimedia service contents” (claims 27, 40, 50-52).

Thus, Kim and Wojtowicz, taken alone or in combination, do not render obvious Applicants’ independent claims 27, 40, 50, 51, and 52. In view of the reasoning presented above, Applicants therefore submit that independent claims 27, 40, 50, 51, and 52 are not obvious and should therefore be allowable. Dependent claims 28-35, 38, 39, 41-46, and 49 should also be allowable at least by virtue of their respective dependence from non-obvious base claim 27 or 40. Accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection.

Rejection of Claims 36, 37, 47, and 48 under 35 U.S.C. § 103(a)

Applicants request reconsideration and withdrawal of the rejection of claims 36, 37, 47, and 48 under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Wojtowicz, and in further view of Official Notice.

As discussed in the previous section, the cited references do not render obvious Applicants' independent claims 27 and 40, at least because the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. In particular, the cited references do not teach or suggest at least the above-quoted elements of Applicants' independent claims 27 and 40. The addition of the Examiner's Official Notice as to dependent claims 36, 37, 47, and 48 does not alter the reasoning presented in the previous section.

For at least the above reasons, Applicants' independent claims 27 and 40 are not obvious over the cited references, and should therefore be allowable. Dependent claims 36, 37, 47 and 48 should be allowable at least by virtue of their respective dependence from base claim 27 or 40. Applicants therefore request withdrawal of the 35 U.S.C. § 103(a) rejection.

Conclusion:

In view of the foregoing, Applicants request reconsideration of the application and withdrawal of the rejections. Pending claims 27-52 are in condition for allowance, and Applicants request a favorable action.

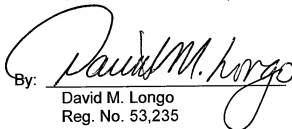
If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: December 23, 2008

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